

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REGINALD BELL, SR.,)
) CASE NO. C10-0376-MJP-MAT
Plaintiff,)
)
v.)
) ORDER
DEPARTMENT OF SOCIAL AND)
HEALTH SERVICES, et al.)
)
Defendants.)
_____)

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, Plaintiff's objections to the Report and Recommendation, the governing law, and the balance of the record.

Plaintiff concedes that he cannot bring an action on behalf of his children, however, in his objection, he contends that he has an actionable claim against Defendants for interference with his parental rights. (Dkt. No. 14.) The Court does not reach the merits of his claim in determining his claims against state agencies are barred by the Eleventh Amendment. Howlett v. Rose, 496 U.S. 356, 365 (1990). The Court does hereby find and ORDER:

(1) The Report and Recommendation is adopted;

(2) Defendants Department of Social and Health Services, Department of Corrections, Child Protective Services, Division of Children and Family Services, and McNeil Island Correctional Facility are DISMISSED with prejudice from this action;

(3) The claims made on behalf of plaintiff's children are DISMISSED without prejudice;

(4) Plaintiff is GRANTED leave to file a third amended complaint within thirty (30) days of the date of this order and he should provide adequate mailing address for all remaining defendants;

The Clerk of Court is directed to send copies of this Order to plaintiff and to Magistrate Judge Mary Alice Theiler.

DATED this 6th day of October, 2010.



Marsha J. Pechman
United States District Judge